

REMARKS / ARGUMENTS

Reconsideration of the above-identified application respectfully requested.

With the present response, the specification has been amended to address the informalities cited by the Examiner. The cross-reference to the parent application and co-pending applications at pages 8 and 17 have been updated.

The specification also has been amended to correct typographical error. In the paragraph beginning at page 1, line 8, "1920s" has been changed to -- 1920s --. In the paragraph beginning at page 4, line 22, the word "view" has been deleted. Finally, the word –and– has been added in the paragraph beginning at page 7, line 3.

Claims 1-12, 14-30, 58, 59, 62-64 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Appropriate claim amendments have been made to address the indefiniteness cited by the Examiner. In particular,

Claim 1, line 8, "said electrosurgical frequency" is now –an electrosurgical frequency--;

Claim 13, lines 23-24 has been amended to recite -- a program control signal thereto, said program control signal comprising either said voltage mode program control signal or said power mode program control signal--;

line 24, the semicolon at the end of the claim has been changed to a period.

Claim 14, line 3, the "e" has been deleted; and

line 5, --output voltage—has been inserted before "monitor signal".

Claim 16, line 2, "d.c." has been deleted and –controllable—has been inserted between "voltage" and "amplitude".

Claim 18, line 2, the word "a" has been deleted.

Claim 24, line 1, "in which" is deleted and –including the steps of-- added;

line 2, the phrase "said step of" has been deleted;

line 2, the word "said" after the word "monitoring" has been deleted;

line 2, a comma has been added after the word "monitors";

line 4, the phrase "monitor signal as a" has been deleted; and

line 5, the phrase –output power—has been inserted before "monitor signal".

Claim 25, line 2, the word "a" has been deleted.

Claim 42, line 3, the word –network—has been inserted after "said first inverter".

Claim 46, line 2, the word "valve" has been changed to –value--.

Claim 58, line 1, the word --wherein-- replaces the word "comprising"; and

lines 2-3 have been deleted.

Claim 59, line 1, the word —wherein-- replaces the word "comprising"; and

lines 2-3 have been deleted.

Claim 62, line 1, the word --wherein-- replaces the word "comprising"; and
lines 2-3 have been deleted.

The indefiniteness identified in claims 14 (line 9), 15 (line 2), 18 (line 2), 22 (line 2), 24 (line 8), 25 (line 2), and 29 (lines 2-3) is corrected with the amendment of independent claim 13.

Claim 47 has been rejected based on the appearance of the word "valve". That word does not appear in claim 47 but rather appears in claim 46. Appropriate correction of claim 46 has been made in that the term "valve" has been changed to --value--.

No new matter is added by virtue of these claim amendments. Moreover, such claim amendments are ministerial in nature as they relate to clarification and antecedent basis. Accordingly, Applicants assert that no claims have been narrowed with the meaning of *Festo* (*Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 US 722, 112 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002)). See also *Interactive Pictures Corp. v. Infinite Pictures Inc.*, 274 F.3d 1371, 61 USPQ 1152 (Fed. Cir. 2001) (addition of the words "transform calculation" was not a narrowing amendment because that addition did nothing more than make express what had been implicit in the claim as originally worded).

Applicants note with appreciation that claims 13, 31-57, 60, and 61 have been allowed. Claims 1-12, 14-30, 58, 59, and 62-64 should be considered allowable in view of the amendments made to overcome the Examiner's indefiniteness rejection.

In view of the above, Applicants respectfully requests that the Examiner grant a Notice of Allowance of all claims.

Respectfully submitted,

Date: February 7, 2005

Diane E. Burke

Diane E. Burke
Reg. No. 45,725
MUELLER AND SMITH, L.P.A.
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: dburke@muellersmith.com